

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Christopher C. Morrissey

v.

Civil No. 12-cv-335-SM

Glenn Libby, Superintendent,
Grafton County Department of
Corrections

REPORT AND RECOMMENDATION

Christopher Morrissey filed a complaint (doc. no. 1), pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated by strip searches at the Grafton County Department of Corrections ("GCDC"). The matter came before the court for preliminary review to determine, among other things, whether in the complaint, Morrissey stated any claim upon which relief might be granted. See 28 U.S.C. § 1915A(a); United States District Court District of New Hampshire Local Rule 4.3(d) (2) .

On December 20, 2012, after conducting an initial screening of the complaint, the court issued an order (doc. no. 4) directing Morrissey to amend his complaint to include facts sufficient to state a Fourth Amendment claim upon which relief might be granted regarding the strip searches. Morrissey was

further directed to name individual defendants to the action as appropriate and to state, with specificity, what each defendant did or failed to do that violated his rights.

The December 20 order (doc. no. 4) directed Morrissey to file his amended complaint within thirty days. That time has passed, and Morrissey has neither filed an amended complaint nor sought an extension of time to do so. For the reasons fully explained in the December 20 order (doc. no. 4), the court finds that Morrissey has failed to state a claim concerning strip searches at the GCDC upon which relief might be granted. The complaint should therefore be dismissed.

Conclusion

For the foregoing reasons, the court recommends that this action be dismissed in its entirety. Any objections to this report and recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011), cert. denied, 132 S. Ct. 1045 (2012); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by

district court; issues not preserved by such objection are precluded on appeal).



Landya B. McCafferty
United States Magistrate Judge

March 5, 2013

cc: Christopher C. Morrissey, pro se

LBM:jba